

RECORD COPY EPC Meeting
 File Name: ADM-1-1-1 July 1999
 Barbara Ingle
 July 1999

Agenda

Environmental Protection Commission

July 19, 1999
 1:00 P.M.

Wallace State Office Building, Fourth Floor Conference Room

(At 9:30 A.M. the Commission will leave from the D.M. Water Works to tour the Aquifer Storage and Recovery Site)

Public Participation

1:30 P.M.

Appointment: Dwight Rutter, Fostoria (aquifer endangerment)

2:00 P.M.

Appointment: Golden Oval Representative

2:10 P.M.

Agenda topics

- | | |
|--|-----------------------------|
| 1. Approve Agenda | |
| 2. Approve Minutes of June 21, 1999 | |
| 3. Budget Report | Linda Hanson (Information) |
| 4. EcoWire News | Ross Harrison (Information) |
| 5. Tire Recycling Education Initiatives through County Grant Program | Roya Stanley (Information) |
| 6. Monthly Reports | Mike Valde (Information) |
| 7. Final Rule--Chapters 40, 41, 42, 43, 83, Water Supply and Environmental Laboratory Certification | Mike Valde (Decision) |
| 8. Final Rule--Chapter 55, Aquifer Storage and Recovery Rules | Mike Valde (Decision) |
| 9. Final Rule--Chapters 4, 5, and 6, Revisions to Procedural Rules Regarding Rulemaking and Declaratory Orders | Mike Valde (Decision) |
| 10. Agreement Renewal with National Older Worker Career Center (NOWCC) - Air Quality Bureau | Mike Valde (Decision) |
| 11. Agreement Renewal with Iowa Prison Industries, Scanning and Data Entry - Title V Operating Permits | Mike Valde (Decision) |

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12.	Agreement with UHL for Laboratory Certification Services - FY2000	Mike Valde (Decision)
13.	State of Iowa Public Drinking Water Program - 1998 Annual Compliance Report	Mike Valde (Information)
14.	Final Settlement (Operator Certification Revocation)	Mike Valde (Decision)
15.	Contested Case Appeal -- Daryl Hollingsworth	Mike Murphy (Decision)
16.	General Discussion	
17.	Address Items for Next Meeting	
Next Meeting Dates	August 16, 1999	
	September 20, 1999	
	October 18, 1999	

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 19, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Elizabeth Handerson	ABI	DSM
Dana Russon	Golden Oval Eggs	Renville, Mo
Craig Olson	Yaggy Colby Associates	Mason City Minnesota
Kevin Johnson	Lindquist + Vernon	
Juda Kruman	IHWA	Des Moines
Chris Gruenhagen	Farm Bureau	WDSM
Beth Bilgen-Hesse	Win-Worth Bldg	Lake Mills, IA
Steve Moehlman	MAMENU SUCS	Ames
Dwight Rutter	Spencer Ia	
Bew Rutter		Spencer
James Byer	CAGO	Des Moines
Rosemary Flaskerud	Seaville Iowa	
Ernest Targem	Seaville Ia	Seaville Ia
Stoyd Flaskerud	Seaville Ia	

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 19, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

NAME	COMPANY OR AGENCY	CITY
DANNY VEST	GROWMARK, INC	BLOOMINGTON, I.C. DSM
Rick Kelley	UHL	
Louis Pallen	CCI	Silmar City Ia.
Norma Hauck	C.C.I	Livermore, Iowa
Elmer Swanson	CCI	Dumboldt Iowa
Donna Swanson	CCI	Dumboldt, Ia
Vicky Anderson	ICCI	Honawha, Ia
W. Papp	ICCI	Dumboldt, IA
Roger Larson	ICCI	Bode, Ia
Darla & Myron Hill	"	Clarion, Ia
Lai Wou	ICCI	Des Moines
Sandra King	IED	DSM
Mel Pina	PNR	Des Moines
Brooke Timmons	Des Moines Water Works	Des Moines
ROD Beshart	CR Gazette	DSM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 19, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Sue Langerud		Leland, IA
Dan Arnevik		Thompson, Ia.
Chanson Olson		Thompson, Ia.
Allen Olson		Thompson, Ia.
L. J. Sedahl		Leland Iowa
Jack Nezeland		Leland Ia.
Ellis Spruken		Scowille, Iowa
Catherine Fitzsimmons	DNR-AQ	Des Moines

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Meeting Initials J

July
1999

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**MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

JULY 19, 1999

**WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA**

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 1:10 p.m., on Monday, July 19, 1999, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Elizabeth Christiansen
William Ehm, Chair
Randal Giannetto
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

MEMBERS ABSENT

Rozanne King, Secretary
Kathryn Murphy

Chairman Ehm stated that Rozanne King and Kathryn Murphy both phoned to say they had a conflict and would not be present at the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

Add: Appointment – Golden Oval Representative 2:10 p.m.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Elizabeth Christiansen. Motion carried unanimously.

Approved As Amended

APPROVAL OF MINUTES

Motion was made by Rita Venner to approve the meeting minutes of June 21, 1999, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

Approved As Presented

BUDGET REPORT

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

Attached is the Quarterly Operations Financial Status Report through 6/30/99. A General Fund reversion estimated to be in the \$90,000 range is reflected Departmentwide.

This report includes estimated additional expenditures and receipts which will be posted over the next two month period. These transactions represent costs incurred by the Department prior to June 30 but not billed or processed for payment until after June 30. All such payments must be made before August 31, 1999. A final FY 99 report will be provided next quarter.

**Iowa Department Of Natural Resources
Quarterly Operations Financial Status Report**

TOTAL DEPARTMENT THROUGH JUNE 30, 1999	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				
General Fund	\$15,725,424	\$15,725,424	\$15,631,623	\$93,801
Park Officer Retirements	\$200,000	\$200,000	\$200,000	\$0
Law Enforcement Officer Retirements	\$150,000	\$150,000	\$0	\$150,000
Federal	\$11,851,775	\$11,851,775	\$9,899,655	\$1,952,120
Administration Fund	\$424,000	\$424,000	\$397,000	\$27,000
Conservation Fund	\$4,201,311	\$4,201,311	\$4,396,311	(\$195,000)
Transfers	\$11,441,019	\$11,441,019	\$9,348,910	\$2,092,109
Groundwater Fund	\$3,629,606	\$3,629,606	\$2,962,001	\$667,605
Fish and Wildlife Trust Fund	\$23,499,548	\$23,499,548	\$23,421,377	\$78,171
TOTAL RESOURCES	\$71,122,683	\$71,122,683	\$66,256,877	\$4,865,806
EXPENDITURES				
Personnel	\$42,556,150	\$42,556,150	\$40,808,608	\$1,747,542
Extra Help	\$2,865,978	\$2,865,978	\$3,009,369	(\$143,391)
Support	\$14,564,233	\$14,564,233	\$13,959,716	\$604,517
Contracts	\$7,867,718	\$7,867,718	\$5,399,419	\$2,468,299
Equipment	\$3,268,604	\$3,268,604	\$3,079,765	\$188,839
TOTAL EXPENDITURES	\$71,122,683	\$71,122,683	\$66,256,877	\$4,865,806
DIRECTORS OFFICE				
THROUGH JUNE 30, 1999	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				

General Fund	\$747,089	\$747,089	\$747,066	\$23
Federal	\$461,780	\$461,780	\$446,742	\$15,038
Fish and Wildlife	\$310,707	\$310,707	\$310,707	\$0
Administration Fund	\$424,000	\$424,000	\$397,000	\$27,000
Groundwater Fund	\$94,464	\$94,464	\$75,393	\$19,071
Other	\$186,413	\$186,413	\$179,585	\$6,828
TOTAL RESOURCES	\$2,224,453	\$2,224,453	\$2,156,493	\$67,960
EXPENDITURES				
Personnel	\$1,239,823	\$1,239,823	\$1,193,810	\$46,013
Extra Help	\$79,880	\$79,880	\$102,609	(\$22,729)
Support	\$840,916	\$840,916	\$820,843	\$20,073
Contracts	\$0	\$0	\$0	\$0
Equipment	\$63,834	\$63,834	\$39,231	\$24,603
TOTAL EXPENDITURES	\$2,224,453	\$2,224,453	\$2,156,493	\$67,960

ADMINISTRATIVE SERVICES THROUGH JUNE 30, 1999	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				
General Fund	\$1,440,412	\$1,440,412	\$1,405,064	\$35,348
Federal	\$728,456	\$728,456	\$631,858	\$96,598
Fish and Wildlife	\$2,044,555	\$2,044,555	\$2,044,555	\$0
Groundwater Fund	\$239,422	\$239,422	\$206,319	\$33,103
REAP	\$769,583	\$769,583	\$574,346	\$195,237
Marine Fuel Tax	\$144,095	\$144,095	\$132,033	\$12,062
Infrastructure	\$220,202	\$220,202	\$259,156	(\$38,954)
Other	\$384,420	\$384,420	\$375,783	\$8,637
TOTAL RESOURCES	\$5,971,145	\$5,971,145	\$5,629,114	\$342,031
EXPENDITURES				
Personnel	\$4,113,612	\$4,113,612	\$4,047,731	\$65,881
Extra Help	\$120,603	\$120,603	\$145,205	(\$24,602)
Support	\$1,396,253	\$1,396,253	\$1,179,987	\$216,266
Contracts	\$110,899	\$110,899	\$31,400	\$79,499
Equipment	\$229,778	\$229,778	\$224,791	\$4,987
TOTAL EXPENDITURES	\$5,971,145	\$5,971,145	\$5,629,114	\$342,031
PARKS PRESERVES AND RECREATION THROUGH JUNE 30, 1999				
	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				

General Fund	\$6,195,754	\$6,195,754	\$6,293,688	(\$97,934)
Park Officer Retirement	\$200,000	\$200,000	\$200,000	\$0
Federal	\$46,948	\$46,948	\$55,079	(\$8,131)
Park Receipts	\$3,322,311	\$3,322,311	\$3,411,311	(\$89,000)
Infrastructure	\$34,719	\$34,719	\$43,153	(\$8,434)
Other	\$174,551	\$174,551	\$193,179	(\$18,628)
TOTAL RESOURCES	\$9,974,283	\$9,974,283	\$10,196,410	(\$222,127)
EXPENDITURES				
Personnel	\$5,060,805	\$5,060,805	\$4,973,717	\$87,088
Extra Help	\$1,427,883	\$1,427,883	\$1,520,070	(\$92,187)
Support	\$3,008,886	\$3,008,886	\$3,146,413	(\$137,527)
Contracts	\$85,701	\$85,701	\$143,122	(\$57,421)
Equipment	\$391,008	\$391,008	\$413,088	(\$22,080)
TOTAL EXPENDITURES	\$9,974,283	\$9,974,283	\$10,196,410	(\$222,127)

FORESTRY THROUGH JUNE 30, 1999	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				
General Fund	\$1,732,789	\$1,732,789	\$1,681,898	\$50,891
Federal	\$460,000	\$460,000	\$460,936	(\$936)
Forestry Receipts	\$879,000	\$879,000	\$985,000	(\$106,000)
Other	\$30,000	\$30,000	\$30,653	(\$653)
TOTAL RESOURCES	\$3,101,789	\$3,101,789	\$3,158,487	(\$56,698)
EXPENDITURES				
Personnel	\$2,045,636	\$2,045,636	\$2,016,766	\$28,870
Extra Help	\$126,517	\$126,517	\$159,730	(\$33,213)
Support	\$808,428	\$808,428	\$887,787	(\$79,359)
Contracts	\$3,000	\$3,000	\$2,020	\$980
Equipment	\$118,208	\$118,208	\$92,184	\$26,024
TOTAL EXPENDITURES	\$3,101,789	\$3,101,789	\$3,158,487	(\$56,698)
ENERGY AND GEOLOGY THROUGH JUNE 30, 1999				
	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				

General Fund	\$1,908,828	\$1,908,828	\$1,793,252	\$115,576
Federal	\$2,277,641	\$2,277,641	\$1,491,509	\$786,132
Oil Overcharge	\$360,213	\$360,213	\$188,508	\$171,705
Bonding Programs	\$213,682	\$213,682	\$86,208	\$127,474
Groundwater Fund	\$190,375	\$190,375	\$187,987	\$2,388
Other	\$148,481	\$148,481	\$101,324	\$47,157
TOTAL RESOURCES	\$5,099,220	\$5,099,220	\$3,848,788	\$1,250,432
EXPENDITURES				
Personnel	\$2,733,125	\$2,733,125	\$2,514,202	\$218,923
Extra Help	\$130,000	\$130,000	\$70,588	\$59,412
Support	\$578,959	\$578,959	\$484,503	\$94,456
Contracts	\$1,515,736	\$1,515,736	\$671,682	\$844,054
Equipment	\$141,400	\$141,400	\$107,813	\$33,587
TOTAL EXPENDITURES	\$5,099,220	\$5,099,220	\$3,848,788	\$1,250,432
ENVIRONMENTAL PROTECTION				
THROUGH JUNE 30, 1999	FY 99	FY 99	FY 99	99 BUDGET
	BUDGET	BUDGET	ACTUAL	LESS
		THRU JUNE	THRU JUNE	ACTUAL 99
RESOURCES				
General Fund	\$3,700,552	\$3,700,552	\$3,710,655	(\$10,103)
Federal	\$7,752,827	\$7,752,827	\$6,734,910	\$1,017,917
Air Contaminant Fees	\$5,786,544	\$5,786,544	\$4,519,364	\$1,267,180
Groundwater Fund	\$1,691,062	\$1,691,062	\$1,399,804	\$291,258
Hazardous Waste Remedial Fund	\$895,308	\$895,308	\$769,999	\$125,309
Water Protection Fund	\$999,445	\$999,445	\$824,279	\$175,166
Operator Certification Fees	\$104,540	\$104,540	\$67,171	\$37,369
LUST Insurance Fund	\$75,000	\$75,000	\$75,000	\$0
Land Recycling Fund	\$0	\$0	\$4,010	(\$4,010)
Stormwater Permit Fees	\$319,308	\$319,308	\$230,400	\$88,908
Well Contractor Fees	\$42,853	\$42,853	\$44,309	(\$1,456)
Groundwater Professional Regis.	\$36,053	\$36,053	\$41,009	(\$4,956)
Water Supply Lab. Cert. Fees	\$102,500	\$102,500	\$101,275	\$1,225
Other	\$56,626	\$56,626	\$46,201	\$10,425
TOTAL RESOURCES	\$21,562,618	\$21,562,618	\$18,568,386	\$2,994,232
EXPENDITURES				
Personnel	\$12,358,825	\$12,358,825	\$11,378,186	\$980,639
Extra Help	\$0	\$0	\$0	\$0
Support	\$2,601,366	\$2,601,366	\$2,045,650	\$555,716
Contracts	\$5,286,716	\$5,286,716	\$3,957,520	\$1,329,196
Equipment	\$1,315,711	\$1,315,711	\$1,187,030	\$128,681
TOTAL EXPENDITURES	\$21,562,618	\$21,562,618	\$18,568,386	\$2,994,232

FISH AND WILDLIFE THROUGH JUNE 30, 1999	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				
Fish and Wildlife Trust Fund	\$21,144,286	\$21,144,286	\$21,066,115	\$78,171
Enforcement Officer Retirements	\$150,000	\$150,000	\$0	\$150,000
Corps Condition 5 Funds	\$295,445	\$295,445	\$367,576	(\$72,131)
TOTAL RESOURCES	\$21,589,731	\$21,589,731	\$21,433,691	\$156,040
EXPENDITURES				
Personnel	\$14,207,925	\$14,207,925	\$14,008,527	\$199,398
Extra Help	\$854,120	\$854,120	\$870,572	(\$16,452)
Support	\$5,118,675	\$5,118,675	\$5,179,216	(\$60,541)
Contracts	\$443,666	\$443,666	\$396,883	\$46,783
Equipment	\$965,345	\$965,345	\$978,493	(\$13,148)
TOTAL EXPENDITURES	\$21,589,731	\$21,589,731	\$21,433,691	\$156,040

WASTE MANAGEMENT THROUGH JUNE 30, 1999	FY 99 BUDGET	FY 99 BUDGET THRU JUNE	FY 99 ACTUAL THRU JUNE	99 BUDGET LESS ACTUAL 99
RESOURCES				
Groundwater Fund	\$1,414,283	\$1,414,283	\$1,092,498	\$321,785
Federal	\$124,123	\$124,123	\$78,621	\$45,502
Waste Volume Reduction Fund	\$5,100	\$5,100	\$42,389	(\$37,289)
Waste Tire Program	\$54,438	\$54,438	\$52,000	\$2,438
Other	\$1,500	\$1,500	\$0	\$1,500
TOTAL RESOURCES	\$1,599,444	\$1,599,444	\$1,265,508	\$333,936
EXPENDITURES				
Personnel	\$796,399	\$796,399	\$675,669	\$120,730
Extra Help	\$126,975	\$126,975	\$140,595	(\$13,620)
Support	\$261,250	\$261,250	\$245,329	\$15,921
Contracts	\$371,500	\$371,500	\$166,780	\$204,720
Equipment	\$43,320	\$43,320	\$37,135	\$6,185
TOTAL EXPENDITURES	\$1,599,444	\$1,599,444	\$1,265,508	\$333,936

Mr. Slatterly noted that the Budget Report has been changed to a quarterly basis as shown in the status reports. He reviewed details of the reports.

Brief discussion followed regarding a small amount of monies projected to revert to the General Fund, and the remaining federal monies available to the department which will move forward to the next year.

Informational Only

ECO-NEWS-WIRE

Ross Harrison, Bureau Chief, Information and Education Bureau, presented the following item.

Information will be presented on EcoNewsWire, a news packet that is now distributed weekly to statewide media from the Environmental Protection, Waste Management Assistance and Energy and Geological Resources Divisions. EcoNewsWire started on May 20 and we have now released nine issues. The content included both "good" and "bad" news ranging from violators to citizens receiving environmental awards. EcoNewsWire is being offered on the DNR's website and a photo gallery has been developed on the Internet so pictures can also be offered to media to accompany the articles.

Ross Harrison explained how the I & E Bureau functions in that his staff are centrally located in that bureau but they are assigned to different areas of the department. He gave an example of how four I & E staff members work with the Environmental Protection Division, and one specific staff person covers the Waste Management Bureau as well as the Energy Bureau. Mr. Harrison introduced one of his staff, Kevin Baskins, to explain the EcoNewsWire.

Mr. Baskins distributed copies of the current issue of EcoNewsWire and stated that it is similar to the Fish and Wildlife News, which has been sent to the press on a weekly basis for several years. He related that Director Johnson thought it would be equally suitable to keep the press apprised on what is happening on the Environmental Protection, Waste Management Assistance, and Energy and Geological Survey Divisions, and that is what the newsletter is designed to do. He noted that it is distributed every Thursday to over 300 media outlets across the state. He stated that a vast majority of the 300 outlets receive the EcoNewsWire electronically, and that is something the department will build on by developing a photo gallery so the media can link into our webpage and download a photo to go with the story. Mr. Baskins noted that the newsletter has a strong balance of good news, current ecological events, and list of environmental violators. He related that a lot of the material in EcoNewsWire is being picked up by the media.

Chairman Ehm commended the department and staff on their good work in producing the EcoNewsWire.

Informational Only

TIRE RECYCLING EDUCATION INITIATIVES - COUNTY GRANT PROGRAM

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

Innovative Education Strategy

The Southeast Iowa Multi-County Sanitary Landfill has developed an innovative and resourceful educational tool through the Department's Waste Tire Management County Grant Program. Serving Jefferson, Keokuk, and Washington Counties, this landfill agency and its manager, Ray Griffin, elected to invest a significant portion of their counties' grant award in producing a tire recycling educational video; the video is designed to explore issues associated with proper waste tire disposal and recycling.

From the outset, SEMCO wanted to produce a video that would not only be of interest and use locally, but statewide as well. SEMCO asked for the Department's assistance to ensure that key issues for tires could be explored. Through this effort, a short video has now been completed for use in junior/senior high schools and driver's education classes.

Key issues presented in the video are:

- Hazards of improper tire disposal: tire fires, mosquito breeding, general nuisance and unsightliness
- Recycled uses for waste tires: high-heat fuel sources in industry, ground rubber for surfacing and products
- Proper disposal practices: how individuals can do their part to recycle tires
- Tire preventative maintenance: tire rotation, balancing, tread depth

Recognition for Video

At the spring meeting of the Iowa Society of Solid Waste Operations (ISOSWO), staff from the Department's Waste Management Assistance Division was invited to speak on tire recycling issues. SEMCO's video was shown at this time, and SEMCO received a recognition certificate from the Department for their innovative approach to tire recycling education.

The Department has also submitted a copy of this video as an entry in the annual Association of Conservation Agencies (ACAs) Education Awards contest.

Many recycling education coordinators, teachers, and civic groups from around the state have requested copies of the video, and it is being shown in classrooms, forums, and on local cable-access across Iowa.

The commission will be provided an opportunity to view this video, and additional copies will be made available as requested.

Ms. Stanley stated that the tire pile cleanup at both Otho and Vinton are going well. She related that the department also wants to work on preventing that type of thing as well as to work with people so they understand it is not a good idea to throw tires in the ditch. She explained the SEMCO project which will help to educate the public in these areas, noting that the video is targeted for junior and senior high schools and driver education classes.

Mel Pins, WMA Division, stated that there are copies of the video available if a Commissioner would like one. He briefly explained the video and played it for the Commission's review.

Brief discussion followed on getting the word out about this educational tool.

Informational Only

PUBLIC PARTICIPATION

Chairman Ehm announced Public Participation at 1:45 p.m.

Roger Larson, Humboldt Co. ICCI – hog issues

Roger Larson, farmer and pork producer from Bode, Iowa, stated that he is one of a dozen Iowa Citizens for Community Improvement (ICCI) members from Humboldt County, who made the trip to the Commission meeting to speak about some of the problems in their area. He related that he would like action from the DNR on four sites in his region. He noted that the Humboldt ICCI recently held two meetings with officials from DNR and he is present today because the DNR is not doing their job due to a lack of enforcement, lack of follow through, and lack of penalties and fines. He commented that one excuse they received from DNR is that they do not have enough staff, and ICCI's contention is that if the DNR would levy some hefty fines they could get by with less staff. He discussed the number of polluted waters in the state as listed by DNR and the difference as listed by the EPA. He distributed copies of a map entitled "Humboldt County Hog Factory Map," and noted that the X's denote a hog factory (between 2,000 – 6,000 hogs). Mr. Larson stated that the hog factories are owned and stocked by Murphy Family Farms, Heartland Pork, and Land O Lakes. He spoke about Humboldt County's unique geology, ADW's and natural sinks, and related that those are a problem with the hog factories nearby. He reiterated that DNR is not protecting the waters or the environment from the factory hog farms and he would like action on these problems. He expanded on issues at one of four specific sites (Kevin Tellier/Murphy Family Farms) and gave a chronology of issues at that site. He questioned whether the Tellier lagoon will be closed down and replaced with a metal slurry store by August 28, and asked if the DNR will order Tellier to move the county tile that runs between the two hog buildings.

Vicky Anderson, Humboldt Co. ICCI – hog issues

Vicky Anderson, Hancock County, discussed a Thompson/Land O Lakes hog facility near her home. She told about nearby test wells which have been contaminated and noted that fecal coliform bacteria was present in 21 of 34 monthly samples. She related that DNR solution is to put in another test well and she is tired of being a guinea pig. She asked that the facility be shut down.

Louie Falleson, Humboldt Co. ICCI – hog issues

Louie Falleson, Humboldt County, spoke about the Goodell/Heartland Pork site located two miles from his home. He gave a chronology of complaints about the site and expressed concern about the Goodells spreading manure on property across from Marlene and Gary Nilles, adding that the land has a 30 inch tile 2.5 feet deep which empties into a natural sink on the Nilles's property. He displayed a map of the area showing the two natural sinks. He related that the Nilles drinking well was tested and found fecal coliform bacteria was double the acceptable rate and nitrates were high. Mr. Falleson expanded on that issue and stated that he feels the DNR has not done enough to find the source of the contamination. In closing, he asked if the DNR finds the Goodell's are the source of contamination to the Nilles well if they would order them to stop applying manure to that section of the land.

Darlow Rapple, Humboldt Co. ICCI – hog issues

Darlow Rapple, resident of Humboldt and member of the city council, spoke about the Avery/Rutland Feeder Pig site owned by Dave Dodgen and noted that it is within a couple hundred yards of the west branch of the Des Moines River. He stated that there is a pasture on low ground where they dump all of their waste from the lagoons and it is in a floodplain. He related that DNR took tests of the spring pond located 200 feet from the Avery lagoon and found it highly contaminated. He presented a chronology of complaints made to Mr. Dodgen regarding this contamination and problems with the lagoon. He asked the DNR to order Dodgen to empty the lagoon and stop the contamination of the groundwater.

In wrapping up, Roger Larson reiterated that he would ask the Commission to see that the Tellier/Murphy Farms lagoon be closed down and replaced with a metal slurry, and to have a completion date on it by August 28. He also asked the Commission to commit to work with DNR to have the county tile line removed that runs between the two existing buildings on the site. He stated that the Thompson/Land O Lakes facility is leaking and asked that it be closed down. Mr. Larson noted that on the Goodell/Heartland Pork facility he would like the Commission and the DNR to help find the source of contamination and to stop the spreading of manure in that area. He stated that he believes the lagoon on the Dave Dodgen property is leaking and should be emptied and checked to make sure it has a clay liner. He noted that he has information to support these claims and it is not just talk. He again suggested that the DNR assess some stiff fines to set an example. He stated that the DNR has been more of a public relations agency than an enforcement agency in his part of the state.

Linda King – Small Business Liaison Update

Linda King, Department of Economic Development, distributed copies of some past quarterly reports for the Small Business Liaison for Air Quality. She stated that her job is to help small businesses comply with air quality standards. She reviewed that at the last Commission meeting she related she would provide the Commission with a status report. She noted that she has been involved this year with the Quad Cities who are close to exceeding some standards set by the federal government for ozone quality. Ms. King related that her work also covers the following: Outreach; Cost Determination Surveys for businesses to put together a volunteer program so they are not polluting as much; Cost Determination Surveys to find out the costs of the Clean Air Act for small businesses; Client Assistance; Newsletter; Asbestos Workshop; Screen Printers Workshop; Agri Business Surverys; Regulations Review; and Work with Business License Information Center. Ms. King also discussed the need to implement the Compliance Advisory Panel.

APPOINTMENT – DWIGHT RUTTER (Carroll Foods swine facility)

Dwight Rutter, Fostoria, distributed a notebook containing background information and photos of a Carroll Foods swine facility in Clay County. He provided some background on the purchase of a nearby farm by Carroll Foods. He noted that the alluvial aquifer on the area is seven inches under the ground and there is water in the ditch year around, as well as water that seeps out of the ground. He expressed concern about two, ten-million gallon lagoons that would be a threat to the town's water supply and he expanded on that issue and possible lagoon leakage. He spoke about a meeting held by the county and learned there was nothing they could do on the local level. He also discussed a trip he took with a group to North Carolina swine facilities and related that there is a lot of pollution in N.C. Mr. Rutter related that our law would do nothing to stop Carroll Foods from building on that farm and he led a public campaign to stop it, but it did not do any good. He also discussed the permit process through the DNR, the Manure Management Plan by Carroll Foods, and the eventual permit denial by DNR. He related that last July Carroll Foods began building a facility with different specifications and an above ground slurry system. Mr. Rutter stated that he then began a federal nuisance suit against Carroll Foods and does not know the status of that.

APPOINTMENT – DANA PERSSON (Golden Oval Eggs)

Dana Persson, President and CEO, Golden Oval Eggs, distributed an information packets with and environmental brochure, a project brochure, a copy of their 1998 annual report, a number of newspaper articles, and a summary of public comments and Golden Oval's response. He presented background on their company, which is Minnesota based, and is expanding into Iowa. He related that Golden Oval farmer-owners commit significant resources to control environmental impacts and to search for better practices and tools. Mr. Persson stated that the expansion Golden Oval is proposing for Iowa will be an investment of 75 - 80 million dollars, will employ approximately 120 people and will use 6 million bushels of Iowa corn. He added

that the operation is totally self-contained and will be in compliance with all environmental regulations. He introduced Kevin Johnson, Environmental Specialist with the law firm of Lindquist and Venamon of Minneapolis, and Craig Olson, with Yaggy Colby Associates of Mason City. Mr. Persson noted that he met with Paul Johnson recently and discussed Golden Oval's litter handling program. He discussed a comparison analysis they did on how their present program compares with current Iowa laws, and he related that the analysis shows that in some areas they are above and beyond what the regulations call for. He expanded on details of their litter control program.

Kevin Johnson (Golden Oval Eggs)

Kevin Johnson stated that he assists Golden Oval on their compliance with environmental regulations and interactions with the Minnesota Pollution Control (MPC) Agency. He discussed air quality issues related to poultry facilities and expanded on details of associated monitoring by MPC for seven months. He related they had no hydrogen sulfide standards violations during that period. He spoke about ammonia emissions and related that the modeling showed no potential for health impacts caused by ammonia. He noted that a report on manure disposal and air quality concerns will be provided to Paul Johnson this week.

Craig Olson (Golden Oval Eggs)

Craig Olson stated that he is a licensed engineer specializing in water and wastewater treatment. He described the efforts and improvements Golden Oval intends to make in order to provide a public water supply to the facility and to handle the domestic and industrial wastewater, as well as implement protections for storm water runoff from the site. He discussed details of each of the improvements and how they would function. He discussed a four cell aerated lagoon system and a scrubbing system to handle the wash water discharge.

Discussion followed regarding the operation and the 700 co-op members and the proposed location to hold 5.5 million birds. Also discussed was land application of manure, phosphorus content in the litter, the number of acres needed to spread the manure, and concerns in Minnesota with Golden Oval and several other operations. Further discussion took place regarding the volume of litter disposal and whether there are adequate acres of land for spreading the manure without causing environmental problems.

James Sayre (Golden Oval Eggs opposition)

James Sayre, Attorney for Citizens Against Golden Oval, stated that this group has employed him to resist every effort of Golden Oval to build their proposed facility in Iowa. He noted the issue is not a 5.5 million poultry facility that will generate 54,060 tons of manure, but rather the people who live in and around the facility if it is built. He related that last year Golden Oval went to the Minnesota PCA with a proposal to expand their facility there, and they did not get the permit because of concerns with ammonia, hydrogen sulfite, and total particulates. Mr. Sayre noted that now they are asking Iowa to permit a facility that is two-and-one-half times that size. He added that the people he represents would like an environmental impact study done to answer

the questions raised by Minnesota PCA a year ago, and to questions raised by Paul Johnson in his letter to Golden Oval on July 6. He asked where the answers are to the complaints his clients will have over what will be a permanent nuisance, adding that they are the people who will put up with the dust, odor and potential contamination. He asked what the answer is to the concern expressed by Paul Johnson, in his July 6th letter, that this facility is approximately ½ mile to the East of Good Neighbors Marsh which is two sections of wetlands, and which the DNR wants to expand to nine total sections of wetlands. Mr. Sayre noted that his clients will ask the Commission to say “no” and stop this facility now, before Golden Oval puts themselves in a position of saying to a court of law that they have put a lot of money into the facility and would ask that it not be stopped. Mr. Sayre stressed that the time to say “no” is now.

Ellis Sprecher (Golden Oval Eggs opposition)

Ellis Sprecher, dairy farmer from Scarville, Iowa, stated that he lives about 1 ½ miles northeast of the proposed Golden Oval facility site. He noted that flies and dust pollution could be a problem for him with that number of birds in one location, and so close to his home. He also expressed concern about possible water pollution since Winnebago county has a lot of hogs, and spreading manure from this facility could add to the problem.

Chairman Ehm informed the speakers that the Commission does not make any decisions on the issuance of permits, adding that the technical staff reviews those type of things. He related that the Commission appreciates their attention to these issues.

Mike Valde, Division Administrator, Environmental Protection Division, reported that the department has a new position which will have one person be in charge of coordinating the permitting, manure management plan review, and manure operator certifications. He introduced Wayne Gieselman and related that he will be the Animal Feeding Operations Coordinator. Mr. Valde stated that Mr. Gieselman is an engineer, a farmer, and a former Chief Engineer at the Natural Resources Council.

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission’s information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

**RULEMAKING STATUS REPORT
July 1, 1999**

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 4,5,6 – Agency Procedure for Rulemaking	4/19/99	5/19/99	6/08/99	----- -----	7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
2. Ch. 20, 21, 22, 23 & 25 – NESHAPS, Internal Corrections and Clarifications	2/15/99	3/10/99	4/06/99	4/09/99	5/17/99	5/17/99	6/16/99	7/06/99	*7/21/99
3. Ch. 40, 41, 42, 43, & 83 – Water Supply & Environmental Lab Certification	3/15/99	4/07/99	5/11/99	5/4,6,24-27/99	7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
4. Ch. 55 – Aquifer Storage and Recovery	3/15/99	4/07/99	5/11/99	5/4,6,24-27/99	7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
5. Ch. 64 – Stormwater Permits	4/19/99	5/19/99	6/08/99	6/18/99	*8/16/99	*8/16/99	*9/08/99	*10/04/99	*10/13/99
* 6. Ch. 105 – Organic Materials, Composting	3/15/99	4/07/99	5/11/99	4/27/99	5/17/99	5/17/99	6/16/99	7/06/99	*7/21/99
7. Ch. 135 – USTS-MTBE Analyzing Requirements	6/21/99	7/14/99	*8/09/99	-----	*8/16/99	*8/16/99	*9/08/99	*10/04/99	*10/13/99
8. Ch. 135. – USTS-MTBE Analyzing Requirements	-----	-----	-----	-----	6/21/99	6/21/99	7/14/99	*8/9/99	7/1/99

MONTHLY VARIANCE REPORT						
July, 1999						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Pella Corporation-Pella	Air Quality		Equipment Malfunction	Approved	06/01/99
2	Decorah, City of-Winneshiek County Jail	Wastewater Construction	Erdman Engineering	Sewer Grade	Approved	06/23/99
3	Maytag Plant #2-Newton	Wastewater Operation		Monitoring Frequency	Approved	06/07/99
4	Country Store to Fairview-Jones County	Watersupply Construction	MMS Consultants, Inc.	Construction Materials	Approved	06/02/99
5	Golden Oval Eggs-Winnebago County	Watersupply Construction	Yaggy Colby Associates	Construction Materials	Approved	06/10/99

6	Shawver Well Co., Inc.- Fredericksburg	Watersupply Construction		Construction Materials	Approved	06/11/99
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ENFORCEMENT STATUS REPORT

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Schleswig, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Order	6/7/99
Ivan Stoltzfus, Decatur Co. (5)	Wastewater	Construction Without Permit; Operation Without Permit	Amended Order/Penalty \$10,000	6/14/99
Fairfield, City of; Jefferson County (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	6/14/99
The Barn, Sherrill (1)	Drinking Water	Monitoring/Reporting – Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty \$200	6/14/99
Ashley Inn Motel & Trailer Court, Mason City (2)	Drinking Water	Monitoring/Reporting – Nitrate, Other Inorganics; Public Notice	Order/Penalty \$500	6/14/99
Balltown-Sherril Catholic School, Sherril (1)	Drinking Water	MCL – Bacteria; Monitoring/ Reporting – Bacteria; Public Notice	Order	6/14/99
Grandview Country Café, Wapello (6)	Drinking Water	MCL – Bacteria	Order	6/14/99
Pilot Corporation, Des Moines (5)	Wastewater	Discharge Limits; Monitoring/Reporting	Order/Penalty \$2,000	6/17/99
Walcott, City of (6)	Wastewater	Discharge Limits	Order	6/17/99
Ray Stamper; Bryan Zenor, Polk Co. (5)	Solid Waste	Illegal Disposal	Referred to AG	6/21/99
Markley Knock d/b/a Knock's Bldg. Supply, Parkersburg (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to AG	6/21/99
Spillway Supper Club, Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Referred to AG	6/21/99
Affordable Asbestos Removal, Inc.; Jeffrey Intlekofer, Ft. Madison (6)	Air Quality	Asbestos	Order/Penalty \$10,000	6/25/99

Dean Adrian Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge-Open Feedlot; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Sale-R-Villa Construction Co.; Carl A. Burkhart, Perry (5)	Air Quality	Asbestos	Referred to AG	3/15/99
Troy P. and Sandra L. Hanson, Eagle Grove (2)	Animal Feeding Operation	Prohibited Discharge-Confinement; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Holnam Incorporated, Mason City (2)	Air Quality	Excess Emissions	Referred to AG	3/15/99
LaFarge Corporation, Davenport (6)	Air Quality	Excess Emissions	Referred to AG	3/15/99
Ivan Stoltzfus, Decatur City (5)	Wastewater	Construction Without Permit	Order/Penalty \$2,500	3/16/99
Hargrave-McEleney, Inc., Iowa City (6)	Drinking Water	MCL – Other Inorganics	Order/Penalty \$1,000	3/22/99
Gerald and Judith Vens, Dixon (6)	Flood Plain	Construction Without Permit; Operation Without Permit	Order/Penalty \$5,000	3/31/99
Richard Greiner, Washington Co. (6)	Animal Feeding Operation	Prohibited Discharge-Confinement, Open Feedlot; Water Quality Violations-General Criteria	Order/Penalty \$3,000	3/31/99
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$100	2/23/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Organics, Radioactivity; MCL – Radioactivity; Public Notice	Order/Penalty \$5,000	2/25/99

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97

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Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
* Dakota Mobile Home Park (Oxford)	WW	750	4-15-99
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	500	4-15-99
Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
J Wood Park (Clayton Co.)	WS	100	3-06-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Wee Willy's (Quasqueton)	WS	100	3-15-99
* Milton, City of	SW/AQ	250	4-16-99
Bowlaway Lanes (New Hampton)	WS	100	4-20-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	350	6-01-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	3,000	5-01-99
Stokely USA, Inc. (Ackley)	WW	1,000	5-07-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	450	5-11-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,200	5-15-99
Mark Stillmunkes (Jackson Co.)	AQ/SW	1,000	5-19-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
* R.V. Hopkins, Inc. (Davenport)	AQ	11,700	7-16-99
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800	7-27-99
* Gary Lund Construction (Eagle Grove)	SW	625	8-01-99
*#Verton S. Miller (Johnson Co.)	AFO	625	8-10-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	10-01-99
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Deer Ridge Estates (Ottumwa)	WS	100	----
# Aaron Tolander (Louisa Co.)	AFO	3,000	----
The Barn (Sherril)	WS	200	----
Glidden, City of	AQ	3,000	----
Fairfield, City of	AQ/SW	10,000	----
Pilot Corporation (Des Moines)	WW	2,000	----
Ashley Inn Motel & Trailer Court (Mason City)	WS	500	----
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000	----
	TOTAL	118,650	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94

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Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.,; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	8-01-98
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000	3-09-99
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
	TOTAL	118,654	

The following administrative penalties have been appealed:

Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400

Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Carroll, City of	WS	3,000
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000
Clara Lindstadt (Des Moines Co.)		
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000

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Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
Super 20 Mobile Home Park (Dubuque)	WS	1,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Paris & Sons; Thomas Paris (Masonville)	WW/HC	10,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Tiffin, City of	WW	5,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	10,000
Shenandoah, City of	WW	5,000
Robert Simon (Dubuque Co.)	AQ/SW	5,000
Ivan Stoltzfus (Decatur Co.)	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Mid-County Water, Inc.; Spring Green Estates (Toddville)	WS	500

Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Horsley Specialties, Inc. (Des Moines)	AQ	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000
CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Big Rock Country Club (Fayette)	WS	500
TOTAL		539,775

The following administrative penalties were paid last month:

Shell Rock Products, Inc. (Butler Co.)	AQ/SW	4,500
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	500
* River City Hardwoods, Inc. (Muscatine)	AQ	500
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	50
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	1,000
Wayne Johnson (Rockford)	AQ/SW	500
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	500
Mark Geerdes (Kossuth Co.)	SW	550
* Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	1,000
# Richard Greiner (Washington Co.)	AFO	3,000
Lund Manufacturing Company, Inc. (Farley)	AQ	1,000
Des Moines, City of	WW	5,000
TOTAL		18,100

The \$1,500 penalty assessed to Rock Falls Lounge (Rock Falls) was waived 6/28/99.

The \$500 penalty assessed to Riverside Lutheran Bible Camp (Story City) was waived 6/28/99.

The \$100 penalty assessed to Outer Limits Quick Mart (Woodbine) was rescinded 1/99.

The \$1,000 penalty assessed to Plantation Village Mobile Home Park (Burlington) [8/96 – prior owner] has been moved to a status of “deferred enforcement” and will no longer appear on the active penalty report. A court judgment is on file. If the Commission wishes to discuss the particular circumstances of this case, we should go into closed session.

ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred	3/15/99

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Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order Granting Leave to Add Parties Trial Date	6/20/97 6/05/98 2/17/99 9/27/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 9/23/99
Barkema, Russell d/b/a Barkema Construction Wright Co. (2) UPDATED	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment Order (\$1,000/Admin.)	2/15/99 5/03/99 6/16/99
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2) UPDATED	Drinking Water	Failure to Renew Permit; Monitoring/Reporting	Order/Penalty	Referred Petition Filed Consent Decree (\$1,000/Civil; \$100/Admin.)	7/20/98 9/24/98 6/01/99
DeCoster, A.J. Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed Defendant's Reply Brief Filed Supreme Court Arguments	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98 2/19/98 5/27/99
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97

Hearing on Defendant's Motion for Partial Summary Judgment	8/11/97
Hearing on State's Motion for Partial Summary Judgment	8/25/97
Ruling Denying Defendant's Motion for Partial Summary Judgment	9/02/97
Ruling Granting State's Motion for Partial Summary Judgment	9/04/97
Trial	9/16-18/97
Ruling for State	1/15/98
Defendant's Notice of Appeal	2/13/98
Defendant's Proof Brief Filed	7/08/98
State's Brief	10/08/98

DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2) UPDATED	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$20,000/Civil)	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Farmers Hybrid Companies, Inc. Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	3/16/98 3/11/99
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Freese, Ken South English (6) UPDATED	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing Order (\$1,000/Admin.)	12/21/98 4/26/99 5/24/99 6/16/99
Fry, Elery; Allen Fry; Beck Sandeen Monroe Co. (5) UPDATED	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing	2/15/99 4/22/99 7/13/99
Grell, Don d/b/a Dodger				Referred	1/20/98

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Enterprises Ft. Dodge (2) UPDATED	Air Quality	Open Burning	Order/Penalty	Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil) Notice of Appeal	8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Hidden Valley Mobile Home Court Washington Co. (6)	Drinking Water	Monitoring/ Reporting - Lead and Copper	Order/Penalty	Referred Petition Filed Trial Date	1/20/98 9/29/98 9/14/99
Hofer's Danceland Ballroom Walford (1)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/Penalty	Referred	5/17/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Knock, Markley d/b/a Knock's Building Supply Parkersburg (2) NEW	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	6/21/99
LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
LaFollette, James; Kurt Douglas Marion Co. (5) UPDATED	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment	11/16/98 5/03/99

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Larson, Daryl Clinton Co. (6) UPDATED	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Ruling (\$5,000/Civil and Injunction)	10/20/97 6/26/98 5/26/99 5/26/99
Larson, Daryl Delmar (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Constructio n Without Permit	Referred to Attorney General	Referred	8/17/98
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCoy, Patrick Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment Order Granting Motion for Judgment	2/15/99 4/22/99 5/24/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Mullins, Rodney Eagle Grove (2) UPDATED	Animal Feeding Operation	Prohibited Discharge – Confinemen t	Order/Penalty	Referred Motion for Judgment Filed Paid \$500 Admin. Penalty	2/15/99 3/18/99 6/29/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) UPDATED	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed	11/16/98 4/08/99
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96

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Sale-R-Villa Construction Co. Carl A. Burkhart Perry (5)	Air Quality	Asbestos	Order/Penalty	Referred	3/15/99
Spillway Supper Club Harpers Ferry (1) NEW	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Stafford, Dean d/b/a Oakland Mills Store Mt. Pleasant (6)	Drinking Water	Operation Without Permit; Monitoring/ Reporting - Nitrate	Order/Penalty	Referred Motion for Judgment Filed Hearing Administrative Penalty Paid (\$200)	2/15/99 3/19/99 4/26/99 5/17/99
Stamper, Ray; Bryan Zenor Polk Co. (5) NEW	Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/21/99
Tire Tech Environmental Systems, Inc. Muscatine (6) UPDATED	Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction Trial Date Judgment (\$25,000/Civil; \$2,500/Admin.)	4/20/98 6/23/98 8/25/98 9/15/98 5/10/99 5/28/99
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1) UPDATED	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed Referred to U.S. Attorney Federal Court Imposed \$10,000/Civil; \$30,000/Restitution	11/17/97 11/26/97 6/25/99
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing	11/19/98 12/23/98 8/24/99
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	4/20/98 2/05/99
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/20/97 9/24/98

Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

CONTESTED CASES

Date Received	Name of Case	F.O.	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	1	Site Registry	HW	Tack	Testing completed 10/13/98 Revised order sent Waiting for final edits to Consent Order from responsible party.
6-08-89	Hawkeye Rubber Mfg Co.	1	Site Registry	HW	Tack	Testing completed Revised order sent Waiting for final edits to Consent Order from responsible party.
6-08-89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc	5	Site Registry	HC	Murphy	Hearing continued pending negotiations Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp (Council Bluffs)	4	Admin Order	SW	Tack	Permit issued District court suit dismissed Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	-----	Hearing continued
7-30-90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	-----	Decision appealed (Pixler)
8-01-90	J I Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
1-07-91	Joe E Eggers, Jr.; Joe and Mary Eggers	2	Admin Order/Penalty	SW	Tack	Settlement reached. Clean-up progress made. New deadline 10/1/99. Awaiting dismissal of appeal.
5-20-91	Great Rivers Coop-Lockridge	6	Site Registry	HC	Murphy	Dismissed 6/8/99. Closed.
9-25-91	Archer Daniels Midland	6	Admin Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99.
1-17-92	Hickory Hollow Water Co.	5	Admin Order/Penalty	WS	Hansen	Settlement offer to WS Counter offer 7/13/93 Dept response on 8/3/93 Facility response 8/11/93 12/93 Dept letter to attorney Construction permit issued for fluoride removal Facility to be installed by 10/30/94 Letter to attorney regarding appeal closure Response requested by 6/2/96 5/30/96 - Response received indicating compliance and requesting waiver of penalty 9/30/96 Request for waiver of penalty denied Facility attorney to submit new proposal.
1-30-92	Center Oil Co., Inc.	1	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	3	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Partial settlement reached.
11-16-92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96. Negotiating for clean-up with Rosebar site.
4-05-93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	3	Admin Order/Penalty	WW	Hansen	Construction permit issued Schedule submitted by City for remaining construction found unacceptable Request for acceptable schedule - 1/31/96 Schedule received; under review by WW Permits.
7-09-93	Oakwood Park Water, Inc.	5	Admin Order/Penalty	WS	Hansen	Construction permit issued 2/94 Facility to be installed by 11/30/94 Letter to attorney regarding appeal resolution Response requested by 6/2/96 5/30/96 - Response received indicating compliance and requesting waiver of penalty 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	4	Admin Order	UT	Wornson	Tier 2 submitted Under review
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty received 6/10/99. Closed.
1-27-94	Archer-Daniels-Midland	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3-03-94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal Response requested by 4/30/96. 5/96 - Follow-up letter sent.

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						Response requested by 6/28/96. Follow-up letter sent Response from company that appeal is being reviewed.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	5	Admin. Order/Penalty	UT	Wornson	ALJ affirmed 5/11/99. Appealed to EPC. Penalty reversed.
6-15-94	Lakeview Heights		Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	4	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return required documentation Letter sent 12/31/98.
8-29-94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received 10/2/96.
9-02-94	Crabtree Lake Resort	5	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-09-94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9-15-94	Bankston	1	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal. Meeting with attorney. Settlement offer proposed.
9-26-94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
11-14-94	Tom Babinat d/b/a Tom's Car Care	2	Admin. Order/Penalty	UT	Wornson	Inability to pay - requested documentation -- no response. State lead -- tanks removed. To be sent to DIA for hearing.
12-14-94	Campbell Clean-Up Service	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	3	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement reached. Final payment paid 6/22/99. Closed.
1-13-95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding ISS permit limit by 9/20/96.
3-23-95	American Coals Corp	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	6	Admin. Order/Penalty	HC/WW	Tack	Settled. Penalty paid. Closed.
5-25-95	E.I. DuPont DeNemours (95-A-133)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	5	Admin. Order/Penalty	SW	Tack	Clean-up completed. Appeal moot. Closed.
5-31-95	E I DuPont DeNemours (91-A-266 thru 91-A-269)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-20-95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Negotiating penalty.
8-24-95	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty received 6/10/99. Closed..
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information 6/96 - additional information received by WS staff for review 7/96 - Request for variance, as modified, granted 8/96 - Construction permit for new well granted 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99
10-17-95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with FO #6. Receiving penalty payments.
12-29-95	Spencer Memorial Hospital	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1-04-96	Catherine E. Meredith	4	Admin. Order	UT	Wornson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with IES. Tier 2 submitted. Awaiting review.
1-08-96	Westside Park for Mobile Homes	6	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6. Sent to DIA to be set for hearing. Hearing set for 6/11/99. Settled 5/99. Awaiting penalty payment.

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1-11-96	Climax Molybdenum Company	6	Admin. Order/Penalty	AQ/HC	Preziosi	Hearing set for 4/26/99.
1-12-96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	5	Admin Order/Penalty	UT	Wornson	Hearing held 3/23/99. ALJ affirmed 5/11/99.
1-25-96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-11-96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	5	Admin Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.
3-19-96	Obie's West	1	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96 Settlement offer received from facility - under review.
5-14-96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD Settlement offer and revised permit sent to facility 7/97 Response received 8/97 Under review by EPD Facility to provide further response and settlement offer to DNR by 3/15/98 3/13/98 Dept. received proposal from facility engineer 3/20/98 Dept. review of proposal completed 8/98 - Letter to Grand Labs rejecting their proposal 9/25/98 letter from Grand Labs regarding settlement Grand Labs to submit new settlement 3/99 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff
5-29-96	Haasco, Ltd.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co Sanitary Landfill	5	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	6	Admin Order/Penalty	AQ/SW	Tack	Proposed decision 5/3/99. Appeal deadline 7/7/99.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin Order/Penalty	AFO	Clark	Hearing continued - date to be set
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	1	Admin Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty.
8/19/96	Capitol Oil Co, Inc d/b/a Dakota Mobile Home Park	6	Admin Order/Penalty	WW	Clark	Penalty installments received Settled pending receipt of all installments.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32)	2	Admin Order	AFO	Clark	Hearing continued indefinitely
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Holliman, Ltd.	4	Admin. Order/Penalty	SW/WW	Tack	Settled. Awaiting penalty payment.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	2	Admin Order/Penalty	AQ/SW	Tack	Settled. Penalty payment plan. Awaiting payment
11/08/96	Carroll, City of	4	Admin Order/Penalty	WS	Hansen	Returned to compliance 4/99 - Settlement offer sent to City City Manager made counter offer. Offer accepted by Dept. Settled. Awaiting penalty payment.
12/02/96	Organic Technologies Corp	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98 Appeal to Supreme Court Briefs filed 2/99.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	5	Admin Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98 Appeal to Supreme Court Briefs filed 2/99.
1/02/97	Ruan Leasing Co, aka Ruan Transportation Management Systems	6	Admin Order	AQ	Preziosi	Negotiating before filing
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	2	Admin. Order/Penalty	SW/AQ	Tack	Penalty paid 6/22/99. Settled.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	5	Admin. Order/Penalty	SW/AQ	Tack	Proposed decision 4/23/99. No appeal. Closed.
5/07/97	Delaware County Landfill, Inc.	1	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
6/06/97	Carroll's Foods of the Midwest		Const. Permit Denial	WW	Clark	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	6	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin. Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling.
7/31/97	Advanced Technologies Corp.	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.

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8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co Solid Waste Mgmt. Comm.	1	Admin. Order/Penalty	SW	Tack	Negotiating before filing
8/18/97	Stellar Industries Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Sent to DIA.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	3	Admin. Order/Penalty	WW	Murphy	Case on hold pending compliance. Compliance to be achieved summer of 1999. Letter to attorney 2/26/99.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/6/97	North Central Cooperative	2	Admin Order/Penalty	HC/WW	Murphy	11/98 - Site assessment approved. Settlement pending. Proposal will be submitted 7/99.
10/6/97	Holnam, Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/22/97	Lehigh Portland Cement Co.	2	Admin. Order	AQ	Preziosi	Settlement close.
11/19/97	Troy Elevator, Inc.	6	Admin. Order/Penalty	WW/HC	Murphy	Site assessment conditionally approved 11/98.
12/02/97	Dows, City of	2	Admin Order	WW	Hansen	F O 2 inspection 3/98 To be set for hearing 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin Order/Penalty	AFO	Clark	Negotiating before filing
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp		Admin Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin Order	UT/WW	Wornson	Compliance complete. Review and close.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Negotiating before filing
8/13/98	Obie's Hurstville Tap	1	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/15/98	Verton S Miller	6	Admin. Order/Penalty	AFO	Clark	Penalty installment received 2/11/99. Settled pending receipt of final penalty installment.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close
10/06/98	M & W Pallet Co.	6	Admin. Order	SW	Tack	Clean-up to be completed by 7/1/99.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
10/13/98	The Legacy Group, L C.; Easter Lakes Estate Site	5	Admin Order/Penalty	WW	Murphy	New violation letter sent 4/14/99
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	6	Admin Order	WS	Murphy	Hearing set for 7/9/99 Settlement offer 5/25/99
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	Compliance initiated. WS installed disinfection equipment WS needs to submit P & S for review by WS engineer and have equipment inspected by F.O. I.
11/06/98	Barr Farm Venture and Mel Foster Co Properties	6	Admin Order/Penalty	WW	Murphy	Letter sent 2/26/99 Will monitor compliance this spring
11/06/98	Rustic Oaks Homeowners Assoc	6	Admin Order	WS	Murphy	Settlement offer 4/23/99. Chlorination will be installed 7/99. Appeal will be moot.
11/13/98	Caseys General Stores, Inc (Johnston Store)	5	Admin Order/Penalty	UT	Wornson	Compliance initiated
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4.
12/01/98	Dyersville Golf & Country Club	1	Admin Order/Penalty	WS	Murphy	Progress report submitted 3/16/99. Certified operator retained. Will monitor performance this summer.
12/07/98	Krauss Serene Wooded Acres	6	Admin Order/Penalty	WS	Murphy	Letter sent 2/23/99 Sanitary survey to be conducted Will monitor performance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12/28/98	Jim Comes; Gary Comes		Permit Issuance	FP	Clark	Proposed decision 4/16/99. No appeal. Closed.
12/30/98	Farmland Industries, Eagle Grove	2	Permit Exemption Denial	AQ	Preziosi	Negotiating before filing
1/04/99	Duane Hanson d/b/a Cedar Valley Tire	1	Admin. Order/Penalty	SW	Tack	Negotiating before filing.

	Recycling					
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin. Order/Penalty	UT	Wornson	Compliance nearly complete. Negotiating penalty.
2/01/99	Con Agra Frozen Foods		Tax Certification Denial	AQ	Preziosi	Negotiating before filing.
2/03/99	Super 20 Mobile Home Park	1	Admin. Order/Penalty	WS	Tack	Hearing set for 8/24/99.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Meeting held 2/12/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	New case.
3/01/99	Lund Manufacturing	1	Admin. Order/Penalty	AQ	Preziosi	Penalty payment received 5/24/99. Closed.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	Engineering report submitted 5/99.
3/04/99	Paris & Sons; Thomas Paris	1	Admin. Order/Penalty	WW/HC	Wornson	Scheduling settlement conference.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99, 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing rescheduled for 7/19-21/99.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99, 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing rescheduled for 7/19-21/99.
3/16/99	Des Moines Independent School District - North High School	5	Site Registry	HC	Tack	Negotiating before filing
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued.
3/22/99	Tiffin, City of	6	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Settlement offer 5/25/99. Rejected 6/15/99..
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	Compliance initiated by City. To be set for hearing regarding penalty.
3/31/99	Westside Park for Mobile Homes	6	Admin. Order/Penalty	WW	Hansen	Settled. Awaiting penalty payment.
4/04/99	Dean Larsen (Martin Marietta)		Permit Issuance	WR	Clark	Hearing continued.
4/08/99	Fayette County Sanitary Landfill	1	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer pending.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Will monitor performance through 5/99.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept. sampling will be done as required during appropriate sampling period (June 1999).
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued.
5/12/99	Lehigh Portland Cement Co 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
5/12/99	Lehigh Portland Cement Co 99-A-179	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
5/18/99	Grandma's Snack Shack	2	Emergency Admin. Order	WS	Murphy	Negotiating before filing. Facility plans to comply.
5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Negotiating before filing. Settlement proposed by appellant 6/15/99.
6/28/99	Big Rock Country Club	1	Admin. Order/Penalty	WS	Tack	New case.

Mr. Valde discussed the various routine reports.

Brief discussion followed regarding Organic Technologies temporary injunction on the referrals report; the DeCoster Supreme Court case; and the City of Carroll contested case.

Informational Only

FINAL RULE—CHAPTERS 40, 41, 42, 43, 83, WATER SUPPLY AND ENVIRONMENTAL LABORATORY CERTIFICATION

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for amendments to the Public Drinking Water Supply Rules of IAC 567—Chapters 40, 41, and 43; the adoption of a new IAC 567—Chapter 42; and amendments to the Laboratory Certification Rules of IAC 567—Chapter 83. The public drinking water supply rules have not been updated for five years and the amendments incorporate new and revised drinking water regulations. Significant regulations were added as a result of the reauthorization of the federal Safe Drinking Water Act in 1996. In addition, changes to the laboratory certification program were needed.

The proposed rules were printed as a Notice of Intended Action in the Iowa Administrative Bulletin XXI #21 on April 7, 1999. Six public hearings were held to receive public input, one in each of the following communities: Atlantic, Des Moines, Iowa City, Manchester, Mason City, and Storm Lake. The public comment period was from April 7 to May 27, 1999. Comments received are detailed in the attached Responsiveness Summary along with the changes made in response to the comments.

These amendments as proposed include:

- updates to incorporate changes from the 1996 reauthorization of the federal Safe Drinking Water Act;
- new and amended definitions, some of which are adopted as a result of EPA mandates, others which are intended to clarify;
- grammatical corrections;
- analytical methodology updates;
- adoption of a new viability assessment program, in accordance with EPA mandates;
- adoption of a new consumer confidence report program, in accordance with EPA mandates;
- adoption of a new Chapter 42, which includes reporting requirements moved from Chapters 41 and 43 as well as the new consumer confidence report program; and
- restructuring of the disciplinary actions for laboratory certification, to include a new category of “suspended” certification

A copy of the rule and Responsiveness Summary is on file in the department’s Records Center.

Mr. Valde reviewed that these rules amend four chapters and adopt a new chapter. He presented details of the amendments and changes made in response to the public comments.

Discussion took place regarding the low attendance at the public hearings.

Dennis Alt, Bureau Chief, Water Supply Bureau, explained that a group of members from the public as well as the regulated community participated in development of the rules, and technical/professional meetings were held as well. He related that everything was discussed with the affected sector so they were well aware of the rules.

Motion was made by Terrance Townsend to approve Final Rule—Chapters 40, 41, 41, 43, and 83, Water Supply and Environmental Laboratory Certification. Seconded by Rita Venner. Motion carried unanimously.

Approved As Presented

FINAL RULE—CHAPTER 55, AQUIFER STORAGE AND RECOVERY RULES

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the final Aquifer Storage and Recovery (ASR) Rule is requested. A copy of the proposed final rule is attached.

House File 2292, passed by the 1998 General Assembly, required the Department to initiate a permit program for the injection, storage, and recovery of treated water from aquifers for potable use. Draft rules to implement the program were prepared in consultation with an advisory committee consisting of ten representatives of professional/technical organizations, water utilities, and industry groups.

Six public hearings were held to receive public input on the draft rules. The comments received and the Department's responses to the comments are summarized in the attached Responsiveness Summary. In general, only minor revisions were made to the proposed rules as a result of the comments received.

The final rule, if approved, will establish a new Chapter 55. Included in the proposed Chapter 55 are:

- the clarification of the legal rights and obligations of ASR permit holders;
- the definition of the affected area within an aquifer;
- provisions for "limited registration" for aquifer pre-testing before a 20-year ASR permit is issued;
- the engineering/hydrogeological criteria considered in the Department's ASR project review; and
- the requirement for two public notification periods prior to final issuance of an ASR permit.

Mr. Valde stated that the Commission toured the local aquifer storage and recovery demonstration site this morning, and these rules implement the statute that says it can be done and protects it from someone else trying to withdraw water.

Gary Priebe asked where the rules list the separation distance from an injection site to where a new well could be drilled.

~~Mr. Alt said it is not a set distance but it would not be over a few square blocks, as far as can be anticipated.~~

James Braun asked if that could be specified, adding that water rights out West are a very big issue. He shared Gary Priebe's concern that a rule not be implemented that would forbid a town five miles away from drilling a private well because someone else is using it as an aquifer for storage. He related that the separation distance needs to be defined, adding that if it is only a few square blocks he has no problem with it.

Mr. Valde stated that the applicant for the permit to store and withdraw has to do a study, and it is specific by site, so in some cases the distance may be a few hundred feet. He added that it depends on how far the water will spread when it is injected into the aquifer. Mr. Valde noted a study would need to be done for each site for which one would apply for a permit. He related that the separation distance would vary case-by-case.

Discussion followed regarding restrictions on other wells within the displacement zone. Also discussed was protection of existing nearby uses, applicant responsibility on resolving water rights issues, setting a precedent on water rights issues, and separation distances depending on the geology of each area.

Randal Giannetto asked if there is any requirement where the applicant would have to go to the county recorder and state that a permit has been issued for a specific area of ground, so that future buyers of property would be on notice that they cannot drill a well there if they buy that property. He added that merely publishing it in the paper is not proof for future generations to know what is binding on the land.

Mr. Alt replied that there is no requirement in the law for that. He expanded on reserving the water within the aquifer.

Gary Priebe asked why the staff is hesitant to place some kind of a base figure in the rules.

Larry Wilson suggested that the Commission put a condition on the rule requesting that aquifer storage recovery be recorded.

Mr. Valde noted that it would have to be recorded against each legal description rather than a circle 500 feet centered from a certain point.

Further discussion was held on the need for specifics on separation distances.

Motion was made by Rita Venner to approve Final Rule—Chapter 55, Aquifer Storage and Recovery Rules with the addition of language that the sections of land affected by the displacement zone be filed at the county recorder's office, so future land transactions will be known about the restrictions on new wells. Seconded by Elizabeth Christiansen. Motion carried unanimously.

Approved As Amended

FINAL RULE—CHAPTERS 4, 5, AND 6, REVISIONS TO PROCEDURAL RULES ON RULEMAKING AND DECLARATORY ORDERS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Adopted Rule to rescind 567-Chapters 4, “Agency Procedure for Rule Making,” and 6, “Declaratory Orders.” This rulemaking will also make minor changes to 567-Chapter 5, “Petitions for Rulemaking” in order to update addresses within that chapter.

The Commission will be asked to adopt by cross-reference the rulemaking affecting 561-chapters 4, 5, and 6, which was adopted by the director and will be published in the July 28 issue of the Iowa Administrative Bulletin. No comments were made in response to the Notice of Intended Action.

The purpose of these amendments is to adopt the new uniform procedural rules and to allow the department’s rules to conform to the recent changes in the Iowa Administrative Procedure Act, Iowa Code chapter 17A, which are found at 1998 Iowa Acts, chapter 1202 (House File 667). These changes will be made applicable to all parts of the department of Natural Resources, as an umbrella agency, in concurrent or subsequent rulemaking actions. Pursuant to the authority of Iowa Code section 17A.5(2)(b)(1) and 1998 Iowa Acts, chapter 1202, section 46 (House File 667, section 46), these rules are intended to become effective July 1, 1999.

(A copy of the rule is on file in the department’s Records Center)

Mr. Valde stated that this is the rule to adopt the procedural rules under the Administrative Procedures Act. He related that these need to be in place to handle contested cases rulemaking procedures, declaratory rulings and declaratory orders.

Ann Preziosi, Compliance & Enforcement Bureau, expanded on details of the rules noting that the rules will change agency procedure for rulemaking.

Motion was made by Randal Giannetto to approve Final Rule—Chapters 4, 5 and 6, Revisions to Procedural Rules for Rulemaking and Declaratory Orders. Seconded by Terrance Townsend. Motion carried unanimously.

Approved As Presented

AGREEMENT RENEWAL WITH NATIONAL OLDER WORKER CAREER CENTER (NOWCC) – AIR QUALITY BUREAU

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Background:

For several years, EPA has had an agreement with the National Older Worker Career Center (NOWCC) for a single staff person for the Air Quality Bureau. The Air Quality Bureau was (and still is) very impressed with the performance of NOWCC. We created a direct contract with NOWCC for 3 additional staff people under agreement number 99-7230-11 for the duration of January 1, 1999 through June 30, 1999 for a total of \$45,271.41.

NOWCC provides temporary workers to their clients. Some of the services they provide are to advertise for the types of workers that their clients are looking for; review candidates to see how well they fit with NOWCC and the client's needs; provide a list of possible candidates for interview; and finalize the hire.

NOWCC workers are of age 40 and over. NOWCC provides benefits to its workers such as: fully paid health insurance; paid sick leave and vacation; and unemployment insurance.

The Air Quality Bureau has found NOWCC to be very reliable and roll-over to be minimal to none compared to other temporary services. This is a benefit to the Air Quality Bureau because training new staff is expensive and time consuming.

Agreement Renewal:

The Air Quality Bureau would like to renew the agreement with NOWCC for July 1st, 1999 to June 30th, 2000.

On September 30th, 1999 the EPA agreement with NOWCC will expire. EPA does not plan on renewing this agreement; therefore, we will be adding one more staff person to the original agreement number 99-7230-11 for a total of 4 staff positions.

Each staff position performs a specific function. These are defined below:

Engineering Assistant (previously on EPA agreement) - assists in implementing the Clean Air Act in Iowa; reviews construction permit applications for completeness; develops and maintains database tracking system for projects; assesses adequacy of materials submitted to support permitting decisions; assists in efforts to image materials; manages the EPA APTI telecourses; and provides AutoCad services.

~~Engineering Assistant – assists in implementing the Clean Air Act in Iowa; assists with emission inventory; reviews construction permit applications for completeness; develops and maintains database tracking system for projects; assesses adequacy of materials submitted to support permitting decisions; and performs as a back-up for the EPA APTI telecourses.~~

Administrative Support Assistant – provides back-up coverage of the Reception/Support desk and Records area; handles mail processing and distribution; assists in entering asbestos information in the ACTS database; and handles supplies.

Administrative Support Assistant – provides assistance to Title V Operating permit staff by assisting with data editing and importing of IPI materials into SPARS; provides secondary back-up coverage of the Reception/Support desk and Records area; performs as a back-up for mail processing and distribution; assists in entering asbestos information into the ACTS database; and provides back-up coverage for handling supplies.

The cost of the renewal contract with NOWCC for the duration of July 1st, 1999 through June 30th, 2000 for 4 staff positions is \$130,000.00.

The Commission is asked to approve the issuance of this renewal agreement with NOWCC for the 4 staff positions.

Mr. Valde described the work of the NOWCC and reviewed details of the agreement with them. He related that EPA will not fund the NOWCC as of September, 1999, so the department would like to keep the four staff positions and extend the contract to July of 2000, at a cost of \$130,000.

Brief discussion followed.

Motion was made by Terrance Townsend to approve the Agreement Renewal with NOWCC as presented. Seconded by Randal Giannetto. Motion carried unanimously.

Approved As Presented

AGREEMENT RENEWAL WITH IOW PRISON INDUSTRIES – SCANNING AND DATA ENTRY – TITLE V OPERATING PERMITS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Background:

For the past 3 fiscal years, 1997, 1998, and 1999, the Air Quality Bureau has had an agreement with Iowa Department of Correction, Division of Iowa Prison Industries (IPI) to provide scanning, data retrieval, and related services of the Title V Operating permit applications for a maximum billable amount of \$300,000 per fiscal year.

The initial purpose of the agreement was to assist Air Quality in saving space and staff resources due to the large volume of Title V Operating permit applications we were expecting. An application can consist of anywhere from 50 to 8,000 pages of documentation. Most applications are over 1,000 pages.

Agreement Renewal:

The Air Quality Bureau would like to renew the agreement with IPI for July 1st, 1999 to June 30th, 2000.

The initial purpose of the agreement has expanded to include other uses. This agreement allows the Air Quality Bureau to collect electronic information to populate our SPARS database and provide legal historical information on our Title V Operating permit applications. We have found another benefit of this system as well – our clients can reuse information electronically which they had initially supplied to us in paper. This will save both the Air Quality Bureau and our clients a lot of resources.

The Air Quality Bureau has worked with IPI to customize their scanning and data retrieval processes to fit our needs. We have received excellent service and would like to continue our agreement with them. To switch to another provider would cost hundreds of thousands of dollars to just get them started. It is to the Department's advantage to renew with IPI

The cost for an agreement with IPI for scanning, data retrieval, and related services for July 1st, 1999 through June 30th, 2000 is a maximum billable of \$100,000.

The Commission is asked to approve the issuance of this contract with IPI for scanning, data retrieval, and related services.

Mr. Valde explained details of the contract for scanning Title V operating permit applications. Catharine Fitzsimmons answered questions on the scanning procedures.

Brief discussion followed as to whether this will be an ongoing need.

Motion was made by Terrance Townsend to approve the Agreement with IPI for Scanning and Data Entry on the Title V Operating Permits as presented. Seconded by Rita Venner. Motion carried unanimously.

Approved As Presented

**AGREEMENT WITH UHL FOR LABORATORY CERTIFICATION SERVICES –
FY2000**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract with the University of Iowa's Hygienic Laboratory (UHL) for Environmental Laboratory Certification services for SFY 2000.

The Department administers a laboratory certification program that assures that laboratories performing analytical work are qualified to analyze samples and meet relevant analytical standards. The UHL assists the Department in this regard by conducting on-site visits at laboratories requesting certification or re-certification. Program areas covered by the laboratory certification program include drinking water, wastewater, and underground storage tanks. Analytical data reported to the Department for those programs must be from a certified laboratory.

The proposed contract will continue this agreement with UHL. In addition, the proposed contract calls for development of a lab certification program for solid waste.

The amount of the agreement is estimated at \$156,060.00, which is an increase from the 1999 contract (\$125,000). This increase is primarily due to the increase in the number of labs that will need to be certified or re-certified during the next year. The certification fees paid by laboratories are used to cover the cost of the contract; no state or federal funds are used.

Mr. Valde explained details of the agreement.

Motion was made by Terrance Townsend to approve the Laboratory Certification Agreement with UHL as presented. Seconded by James Braun. Motion carried unanimously.

Approved As Presented

**STATE OF IOWA PUBLIC DRINKING WATER PROGRAM ANNUAL COMPLIANCE
REPORT – 1998**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Safe Drinking Water Act (SDWA) Amendments of 1996 require states to prepare an annual report of SDWA violations. The 1998 Iowa annual report has been prepared and copies of the report will be provided to the Commission at its July meeting. This report fulfills the reporting requirement in Iowa for the 1998 calendar year and is the third consecutive year such an annual report has been prepared.

This report was prepared by the Environmental Protection Division's Water Supply Section. Development of the report was accomplished through the use of the state's water supply database, which includes monitoring data for the 1,977 public water supplies active in 1998. In summary:

- No waterborne disease outbreaks or deaths were attributed to drinking water from a regulated public water supply system.
- Ninety percent of the public water supply systems were in compliance with drinking water maximum contaminant levels (MCLs). Of the MCL violations, 64% were for coliform bacteria, 32% for nitrate, and 4% for other chemicals and compounds. By May 1999 approximately 45% of the MCL violations had been resolved.
- Nine of 83 regulated chemicals or compounds were found at levels above their respective MCLs: arsenic, carbon tetrachloride, chloroform, coliform bacteria, fluoride, nitrate, nitrite, combined radium 226 & 228, and total trihalomethanes.
- Approximately 75% of all the public water supply systems complied with all monitoring and reporting requirements.

The number of MCL violations for bacteria and nitrates increased over the previous two years. Because this is only the third year the statistics were compiled in a consistent manner, it is difficult to ascertain whether the increase signifies an overall trend. Bacteria violations are typically due to poor sampling techniques, system contamination, or poor well construction as opposed to source water problems. The number of public water supplies that did not comply with monitoring and reporting requirements also increased over the previous two years although there was a change in the way monitoring violations were reported as compared to 1996 and 1997. By May 1999, 90% of the monitoring violations had been resolved.

The report is currently being printed and should be available for distribution by the end of July. When available, the report will be distributed to all public water supplies listed in the report, the Governor, legislative officials, EPA, members of the SDWA Advisory Group, and to the public upon request.

(A copy of the report is on file in the department's Records Center)

Mr. Valde stated that a copy of the report was placed at each Commissioner's table.

Chairman Ehm summarized that the report addresses the state's requirements for public water supplies and their compliance records throughout the course of the year.

Rita Venner stated that she was impressed with the report and related that it would be nice to see some of this information in the newspaper. She asked whether that would be a difficult thing to do.

~~Mick Klemesrud, I & E Bureau, stated that news releases were sent out on the report summary the past two years and it will be sent again this year. He related that some of the newspapers will publish it. Brief discussion followed regarding the facilities that were not in compliance.~~

Mr. Valde reviewed that last month the Commission requested a list of contracts the EPD division has with CHEEC, IWRC, etc., and he asked for clarification on what the Commission would actually like a report on.

Rita Venner stated that she would like to see a list of the contracts the Commission works with and approves, such as 319 projects.

Informational Only

FINAL SETTLEMENT (OPERATOR CERTIFICATION REVOCATION)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the two settlements in the Fairfield data falsification case. The case involved two water supply plant operators who pled guilty to falsification of data in connection with monitoring data submitted to ascertain compliance with the requirements of the Surface Water Treatment Rule. Daily chlorine and turbidity log sheets of the Fairfield water treatment plant did not match the monitoring data provided to the Department. An investigation by the Department and the Attorney General's Office confirmed the falsification.

The proposed settlements include:

- the permanent revocation of drinking water operator certification for the two operators, and
- an agreement the two operators will never apply for operator certification again.

Copies of the settlements will be provided to the Commission at the July meeting.

Mr. Valde introduced Dennis Alt, Supervisor, Water Supply Section, to discuss the operator certification revocations.

Mr. Alt explained that under the law the Commission is involved with any revocation of an operator's certification. He noted that in May 1998, the department received complaints from fellow operators at the Fairfield Water Works and from several public thereafter concerning potential falsification of data. An investigation revealed there was data being falsified at several different sources. He explained details of the Attorney General's handling of the case and noted that the Commission received copies of the settlement agreements with the two operators, Bert Jester and Harry Smith. He related that staff is requesting the Commission to approve the settlements and authorize Chairman Ehm and Director Johnson to sign the agreements.

Chairman Ehm asked if staff believes this sort of thing happens in other areas than just in Fairfield.

Mr. Alt stated that Fairfield is a case whereby failure to comply with drinking water standards represents immediate risk to health and could cause death or sickness. He added that in other cases discovered it has been fairly minor and does not impact the public health and safety. He related that the department is dealing with the most severe cases in this situation.

Motion was made by Randal Giannetto to approve the Operator Certification Revocations and Settlement Agreements. Seconded by Terrance Townsend. Motion carried unanimously.

Approved As Presented

CONTESTED CASE APPEAL—DARYL HOLLINGSWORTH

Jon Tack, Compliance and Enforcement Bureau, presented the following item.

On May 24, 1994, the department issued Administrative Order No. 94-UT-26 to Daryl Hollingsworth. That action required him to conduct a site clean-up investigation and submit a site clean-up report (SCR). That action was appealed by Mr. Hollingsworth, and the matter proceeded to administrative hearing on March 23, 1999. An amended Order was issued on March 4, 1999, assessing a \$4,500 penalty and updating the Order to reflect new rule provisions. The Administrative Law Judge issued a Proposed Decision on May 11, 1999. The decision affirms the Order, with the exception of vacating the penalty.

Both parties have appealed the Proposed Decision to the Commission. The department has appealed portions of the decision. A motion to reconsider the decision to delete certain language was filed by the department, which was denied by the Judge on the grounds that jurisdiction is now with the Commission. The Proposed Decision and appeal documents will be provided to the Commission. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Tack briefed the Commission of this case involving an underground storage tank site assessment and cleanup. He noted that the department is not appealing the findings but is appealing one sentence on page 16, under paragraph 5, which addresses liability for cleanup and cites a Blue Chip Enterprise case. He expanded on that issue and related that it is a groundwater determination law and does not affect any of the requirements of this order. He added that the conclusion of that sentence could have huge affects in other areas, in other tank cases. Mr. Tack stated that the department is asking that the last sentence of the previously mentioned paragraph be stricken, and that the order be approved.

Terrance Townsend asked if this is the first time any reference has been made to limiting anyone's liability to whatever portion that they caused.

Mr. Tack stated that in the UST area the Blue Chip standard has never been applied. Discussion followed regarding the former Blue Chip case. Mr. Tack noted that Mr. Hollingsworth's appeal is based on his feeling that the decision was unfair.

Motion was made by Rita Venner to amend the ALJ decision by striking the last sentence under paragraph 5, on page 16, and to oppose the reference to Blue Chip Enterprise. Seconded by Terrance Townsend. Motion carried unanimously.

ALJ Decision Amended

GENERAL DISCUSSION

Golden Oval

Larry Wilson noted that after lunch copies of the letter Paul Johnson sent on July 6, 1999 to Golden Oval were distributed to the Commission.

Mr. Wilson stated that just prior to the start of the meeting he received a FAX from a woman named Pamela C. Moe-Merritt, from Elkins, West Virginia requesting an environmental impact study of the proposed Golden Oval project. He noted that he placed a copy of that FAX at each Commissioner's work station. He added that he also placed copies of three articles which appeared in several newspapers last week regarding the department staff response to EPA's list of impaired waterways.

Impaired Waters List

Mr. Valde discussed the staff comments the department submitted on the impaired waters list. He stated that the department wants clean water in Iowa and if a river or stream belongs on the list the department wants it on the list, but wants it to be based on valid methodology, data and

science. Discussion was also held regarding the staff meeting with the press on this issue and their meeting with the Iowa Environmental Council.

**TMDL List
Humboldt Co. Hog Issue**

Discussion also took place regarding the TMDL list; Missouri River navigation problem and possible federal funds; the Humboldt County hog issue and recent meetings held with the department; and whether the department can close an old lagoon that is outside of today's standards and require a new one to meet today's standards.

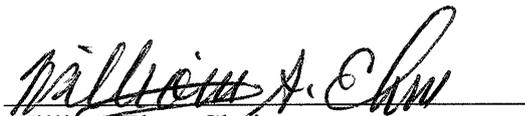
Terrance Townsend asked if staff could provide information at the next meeting on the four sites mentioned during Public Participation by the Humboldt County ICCI.

ADJOURNMENT

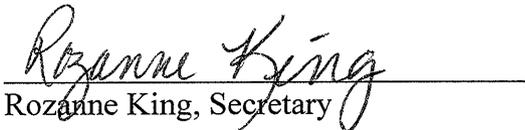
With no further business to come before the Commission, Chairman Ehm adjourned the meeting at 4:10 p.m., Monday, July 19, 1999.



Paul W. Johnson, Director



William Ehm, Chairman



Rozanne King, Secretary

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